

**SEVENTY-EIGHTH DAY.**

(Monday, May 17, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of the seventy-seventh legislative day was dispensed with, on motion of Senator Roberts.

**Reports of Standing Committees.**

Reports on Senate Bills Nos. 517, 512 and 518, on House Bills Nos. 1046, 1105, 1124, 1152, 1159, 1092 and on H. C. R. No. 106, were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

**Senate Bill on First Reading.**

The following (local) bill was introduced, read first time and referred to the Committee on Towns and City Corporations:

By Senator Brownlee:

S. B. No. 518, A bill to be entitled "An Act granting unto the Municipal Authorities of the City of Austin, Texas, the right to establish, erect, operate and maintain a Public Municipal Auditorium and Fire Station upon the tract of land bounded on the north by Fifth Street, on the south by Fourth Street, on the east by Guadalupe Street and on the west

by San Antonio Street in the City of Austin; and changing the designation upon the map of the City of Austin of said tract from Public Square to Public Municipal Auditorium and Fire Station Square so as to grant to the City of Austin for 99 years the said land for a Municipal Auditorium and Fire Station and retaining title in the State of Texas; and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

**Messages From the Governor.**

A Secretary of the Governor was announced by the Doorkeeper and was recognized by the President to present the following messages, which were ordered printed in the Journal:

Austin, Texas, May 17, 1937.

To the Members of the Forty-fifth Legislature:

I am today disapproving and vetoing H. B. No. 277 appropriating \$8,000.00 for relief for the Old Glory Rural High Common School District No. 4 of Stonewall County in replacing buildings and equipment destroyed by a disastrous fire on December 13, 1936.

The objectives for this appropriation are highly commendable but I regret I cannot see fit to approve the bill. We simply are not able to do it.

It is my understanding that probably 25 or 30 other bills have been introduced, or will be introduced, for similar relief if this one is approved. The Treasury will not stand it. I think it is wrong in principle for the State to underwrite such losses as this. Each time we violate a principle we find ourselves obliged by the precedent to repeat it an hundredfold.

Upon investigation I find that this school district has insurance for \$15,000.00. This was the maximum insurance for which the bank in that community would lend money so that the school district could protect itself. As I understand it, the plan of the district is to secure aid from the Federal Government supplementing the \$15,000.00 insurance and \$8,000.00 it has hoped to secure from the State. It has been represented to me that without this \$8,000.00 they will be unable to get

help from the Federal Government. I regret it if this is true.

But if the State is to thus encourage a lack of adequate insurance by school districts, we will be called upon time and time again in the future to make similar appropriations.

I need not remind you of the large deficit in the Treasury, of the emergency appropriations totaling over Three and a Half Million Dollars and of the fact that the general appropriations are being upped in both Houses over the last biennium; and of the fact that as yet not a single dime of revenue has been provided to meet the deficit and additional expenses, to say nothing of the other ventures we are taking in the field of social security.

For the reasons stated, the bill is respectfully disapproved and vetoed, and returned to the House of Representatives in which it originated.

Respectfully,

JAMES V. ALLRED,  
Governor of Texas.

Austin, Texas, May 17, 1937.

To the Members of the Forty-fifth Legislature:

I have today disapproved and vetoed H. B. No. 875, appropriating \$2,731.00 to the Leesville Common School District No. 28 in Gonzales County, and \$420.00 to the DeWett Common School District No. 47.

My reasons for vetoing this bill are the same as those which prompted my veto today of H. B. No. 277. The purposes are highly commendable, but the State is not able to help. If we permit this appropriation to go through, there is no end to the number we will have to appropriate for in the future under similar conditions.

I regret to have to veto this worthy undertaking, but, as I see it, the State is in the same position as an individual. I know of a number of private worthy causes where I should like personally to give several hundred dollars to unfortunate individuals who have lost their homes and are destitute. I cannot make these personal contributions because I am in debt, and my income is limited. Out of that income I must live and pay my debts.

The State is in the same position. It is heavily in debt. Its income is

limited. It must continue to function and retire its deficit. We cannot continue this government and meet its obligations without additional taxes, which have not as yet been provided, and at the same time pay off our debts and deficit.

For the reasons stated, the bill is respectfully disapproved and vetoed, and returned to the House of Representatives in which it originated.

Respectfully,

JAMES V. ALLRED,  
Governor of Texas.

Austin, Texas, May 17, 1937.

To the Members of the Forty-fifth Legislature:

I have today disapproved and vetoed S. B. No. 150 for the following reasons:

This bill appropriates \$3,847.95 to Clemons Leonard Bradley and Cecil May Bradley Adams, the heirs of David Clinton Bradley, deceased. This appropriation is based on the judgment of the County Court of Jack County, in which it is recited that the State Treasurer appeared as a defendant through the County Attorney of Jack County. The money in question escheated to the State more than 20 years ago.

The judgment of the Jack County Court was rendered in September, 1935. Under Article 3287, Revised Civil Statutes, as amended and effective in 1934, which is the latest expression of the Legislature on the subject, a suit to recover escheated moneys must be filed in the District Court of Travis County. It must be filed "within four years . . . and not thereafter."

It is true that in Section 2 of the bill payment is provided upon the filing with the Comptroller of a copy of the order of the court, under seal of the court, "as required by Articles 3287 and 3265." There is a conflict between these statutes, the latter giving the county court jurisdiction and fixing venue in the court where the estate was escheated, and the former, Article 3287, fixing venue in Travis County and providing that suit must be instituted within four years. However, Article 3287 was amended in 1934 and is the latest expression of the Legislature on the subject. Certainly it more adequately protects the interests of the State since it fixes the period within which the suit must

be brought and requires the Attorney General to be notified. It is not sound public policy to permit appropriations for claims of this character after such a long lapse of time.

Since clearly on its face this claim is barred by limitation, I see no occasion for an appropriation to be made, even contingent on suit being brought in Travis County (which contingency is only inferential from the bill). There are far more important subjects than appropriating money on these old and, in my judgment, questionable claims.

The bill is accordingly vetoed and disapproved, and returned to the Senate, in which it originated.

Respectfully,

JAMES V. ALLRED,  
Governor of Texas.

#### Senate Concurrent Resolution No. 69.

Senator Brownlee offered the following resolution:

Whereas, There occasionally arises a need for more room in which to place parts of State Departments; and

Whereas, There is considerable available space at the Men's Confederate Home which is not now used and which space could be combined and used to the advantage of the State without detriment to the residents of the Men's Confederate Home; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the State Board of Control shall be authorized and empowered to make rules and regulations whereby this space at the Men's Confederate Home in Austin may be used by State Departments needing more space, and said Board of Control shall have the authority to make such arrangements as they deem wise in allotting this space so that the comfort and safety of the residents of the Men's Confederate Home shall not be interfered with.

The resolution was read.

Senator Brownlee moved that the Senate rule requiring concurrent resolutions to be referred to a committee be suspended, and that the regular order of business be suspended, to permit consideration of the resolution at this time.

On motion of Senator Brownlee, the motion to suspend the rule and

regular order was tabled subject to call.

#### Motion to Set House Bill No. 347 as Special Order.

Senator Spears moved that H. B. No. 347 be set as a special order for next Wednesday, immediately after conclusion of the morning call on that day.

The motion was lost by the following vote (not receiving the requisite two-thirds vote):

#### Yeas—16.

Beck	Newton
Brownlee	Oneal
Burns.	Shivers
Cotten	Spears
Hill	Sulak
Isbell	Van Zandt
Moore	Westerfeld
Neal	Winfield

#### Nays—11.

Aikin	Roberts
Collie	Small
Holbrook	Stone
Nelson	Weinert
Pace	Woodruff
Redditt	

#### Present—Not Voting.

Rawlings

#### Absent.

Davis	Lemens
Head	

#### Motion to Take Up Senate Bill No. 297.

Senator Woodruff moved the regular order of business be suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 297, A bill to be entitled "An Act amending Subsection (a) of Section 11 of H. B. No. 8, of the Third Called Session of the Forty-fourth Legislature enacted in 1935, providing certain limitations upon the allocation of funds for old age assistance, prescribing who shall receive such old age assistance, the amounts to be allocated to said applicants therefor, and declaring an emergency."

The motion was lost by the following vote (not receiving the requisite two-thirds vote):

## Yeas—15.

Aikin	Nelson
Brownlee	Newton
Burns	Spears
Collie	Stone
Davis	Sulak
Head	Westerfeld
Hill	Woodruff
Neal	

## Nays—14.

Beck	Rawlings
Cotten	Redditt
Holbrook	Roberts
Isbell	Shivers
Moore	Small
Oneal	Weinert
Pace	Winfield

## Absent.

Lemens	Van Zandt
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**House Bill No. 36 on Second Reading.**

Senator Head moved the regular order of business be suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 36, A bill to be entitled "An Act amending Article 752 of Chapter 7, Title 12 of the Penal Code of 1925, as amended by Section 15 of Chapter 244, page 606, of the Acts of the Regular Session of the Forty-fourth Legislature; and amending Chapter 7, Title 12 of the Penal Code of 1925, as amended by Section 16 of Chapter 244, page 606, of the Acts of the Regular Session of the Forty-fourth Legislature, and declaring certain legislative intent in respect to this Act, and declaring an emergency."

The motion prevailed by the following vote:

## Yeas—20.

Aikin	Lemens
Beck	Moore
Brownlee	Nelson
Burns	Newton
Cotten	Oneal
Davis	Redditt
Head	Roberts
Hill	Shivers
Holbrook	Small
Isbell	Weinert

## Nays—6.

Collie	Sulak
Pace	Westerfeld
Spears	Winfield

## Present—Not Voting.

Neal	Woodruff
Stone	

## Absent.

Rawlings	Van Zandt
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The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

(Senator Aikin in the Chair.)

Senator Head offered the following amendment to the bill:

Amend H. B. No. 36 by adding a new Section following Section 1, and to be numbered Section 2; renumbering the other Sections properly, said Section No. 2 shall read as follows:

"Sec. 2. The State Board of Dental Examiners shall be and they are hereby authorized to refuse to grant a license to practice dentistry to any person or persons who have been guilty, in the opinion of said Board, of violating any of the provisions of the Statutes of the State of Texas relating to the practice of dentistry, or any provisions of Chapter 7 of Title 12 of the Penal Code of the State of Texas, within twelve (12) months prior to the filing of an application for such license.

Sec. 3. The State Board of Dental Examiners shall be, and it shall be their duty, and they are hereby authorized to revoke, cancel or suspend any license or licenses that may have been issued by such Board, if in the opinion of a majority of such Board, any person or persons to whom a license has been issued by said Board to practice dentistry in this State, shall have, after the issuance of such license, violated any of the provisions of the Statutes of the State of Texas relating to the practice of dentistry in this State, or any of the provisions of Chapter 7, Title 12 of the Penal Code of the State of Texas, or any amendments that may hereafter be made thereto. Provided, however, that if a majority of such Board shall be of the opinion that any person or persons to whom a

license has been issued by said Board shall have violated any of the provisions of said Statutes of Penal Code, such Board shall first have an order entered in the Records of said Board declaring it to be the opinion of the majority of such Board that such person or persons have so violated the provisions of said Statutes or Penal Code, within twelve (12) months prior to the date of such order, and shall mail by registered mail to the last known address of such person or persons a copy of such order, together with notice that if such alleged violations of said Statutes and Penal Code are not discontinued by such person or persons within ten (10) days after the mailing of such notice, or satisfactory evidence produced showing such alleged violations did not occur, that such Board will proceed to revoke, cancel or suspend the license of such person or persons alleged to have violated said Statutes and Penal Code. Such order and such notice shall state the alleged violations of such Statutes and Penal Code as are to be relied upon by said Board as grounds for the cancellation of such license. If, from and after ten (10) days from the mailing of such notice, the person or persons to whom such notice or notices have been sent shall in the opinion of said Board have failed and refused to desist from the violation complained of and set out in said order and said notice, or failed to show satisfactory evidence that such violations did not occur, said Board shall proceed to set a time and place, not less than ten (10) nor more than thirty (30) days, for a hearing to consider the revocation, cancellation or suspension of such license or licenses; and a copy of such order shall be sent by registered mail to the person or persons alleged to have violated the provisions of said Statutes and Penal Code, not less than five (5) days prior to the date set for the hearing thereon. Such order and such notice shall likewise state the grounds alleged to have been violated, as provided in the first order herein. At the time and date set in said order and said notice for such hearing, the person or persons alleged to have violated the provisions of the Statutes of the State of Texas relating to dentistry, or the provisions of

said Chapter 7, of Title 12 of the Penal Code, may appear before said Board and show cause, if any he has, why said license should not be revoked, cancelled, or suspended. Such hearing shall be governed by such rules and regulations as may be prescribed by the Board. After such hearing, the Board shall enter an order in its Minutes dismissing such charges or revoking, cancelling or suspending for a time to be fixed by the Board, not to exceed twelve months, the license or licenses of the person or persons accused, as in the opinion of the Board the facts brought out at such hearing justify and require. Provided, however, that any order cancelling or revoking or suspending such license or licenses shall be signed by a majority of such Board and by all the members of such Board present at such hearing. Provided that when the license of such licensee is revoked or cancelled he shall be allowed to continue the practice of his profession pending appeal upon his giving a supersedeas bond in such amount as shall be set by the District Court, conditioned to faithfully observe the law.

Sec. 4. If said Board shall make and enter any order cancelling or suspending any license or licenses as hereinabove provided, the person or persons whose license shall have been so cancelled and revoked or suspended may, within thirty (30) days after the making and entering of such order, take an appeal to the District Court of the County in which the alleged offense occurred by filing an appropriate petition for such purpose. Said cause shall be placed on the docket of said Court in the name of the party or parties filing same, as plaintiff, and the State Board of Dental Examiners, as defendant. It shall be the duty of said Board, upon the filing of a petition asking for an appeal and review of such proceedings of said Board by the person or persons accused, and after citation in such cause has been issued and served as in other civil cases, to prepare and transmit to such District Court upon notice from such Court a transcript of the orders hereinabove provided for, the same to be certified as true and correct by the Secretary of said Board. Such District Court shall

thereafter and under the rules of procedure applicable to other civil cases, proceed to set such cause for hearing as in other civil cases. Upon the hearing of such cause, if such Court shall find that the action of such Board, in cancelling or revoking or suspending such license or licenses is not well taken or that same would or might deprive such licensee unjustly of his license to practice dentistry in this State, such Court shall by appropriate order and judgment set aside such action of said Board; but if such Court shall sustain such action of said Board in cancelling and revoking or suspending such license or licenses, an order shall be made and entered in appropriate form sustaining and affirming the action of such Board, from which order an appeal may be taken to the Court of Civil Appeals, as in other civil causes. If no appeal be taken from such order of such Court within thirty (30) days, the same shall become final. If an appeal be taken from the District Court to a Court of Civil Appeals, the order of such Court shall become final within thirty (30) days after the making and entry of such order by such Court of Appeals. Provided in all such cases of Appeal that the Court shall give preference to same, and advance them on the docket of said Court so that speedy action may be had; providing also that trial in the District Court shall be tried de novo.

Sec. 5. If any person or persons shall practice or offer to practice dentistry in this State, or hold himself out as practicing dentistry in this State after such order revoking or cancelling his license to practice dentistry shall have become final, as herein provided; or during the period of the suspension of such license after such suspension has become final, he shall be punished by fine in any sum not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the County jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Sec. 6. This Act shall be cumulative of all laws now in effect providing for the revoking, cancelling or suspending of licenses for the practice of dentistry or dental surgery in this State, except in so far as the

provisions hereof may conflict with other laws now in effect. And all laws or parts of laws in conflict herewith are hereby repealed.

Sec. 7. If any Article, Section, Subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each Section, Subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the Sections, Subsections, sentences, clauses or phrases be declared unconstitutional.

Sec. 8. The fact that the present laws regulating the practice of dentistry are inadequate to protect the public health, and that new legislation for such purpose is urgently needed, creates an imperative public necessity that the constitutional rule requiring all bills to be read on three several days in each House be and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Senator Burns offered the following amendment to the amendment:

Amend Senator Head's amendment to H. B. No. 36 by adding a new Section to be numbered and known as Section 3A, to read as follows:

"Provided, however, before any person who is licensed to practice dentistry within the State of Texas is disbarred or suspended, the District or County Attorney shall file a written complaint before the District Court setting forth the charges against said person who is licensed to practice dentistry and said person may be given a trial in the District Court of the County of his residence before a jury to determine whether or not he shall be disbarred or suspended, and if the jury or Court finds him guilty, the Court shall enter an order either suspending or disbaring him from practicing dentistry within the State of Texas."

(President in the Chair.)

Question—Shall the amendment to the amendment be adopted?

**Bills Signed.**

The President signed in the presence of the Senate, after giving due

notice thereof, the following enrolled bills:

S. B. No. 402, "An Act to amend Chapter 184 of the Regular Session of the Forty-fourth Legislature creating the Texas National Guard Armory Board and defining its powers and duties; and declaring an emergency."

S. B. No. 491, "An Act limiting the amount of money to be assessed against candidates for Congress in districts composed of one county, and declaring an emergency."

**Senate Joint Resolution No. 18 on First Reading.**

The following joint resolution was introduced, read first time and referred to the Committee on Constitutional Amendments.

By Senators Nelson, Spears, Sulak, Westerfeld and Aikin:

S. J. R. No. 18, Proposing an amendment to the Constitution of the State of Texas relating to the legislative authority thereof by amending Section 1 of Article 3 so as to provide a single chamber Legislature; by amending Section 2 of Article 3 so as to provide the number of Legislators who shall become members of said single chamber; providing that the Members of the Legislature shall consist of two members for each Senatorial District in Texas as now apportioned, and as may hereafter be apportioned, providing the term of office for such Legislators; by amending Section 5 of Article 3 providing for the terms of the Legislature and the manner in which such body may be assembled; by amending Section 7 of Article 3 of the Constitution providing for the qualification of those to be elected to the Legislature; by amending Section 9 of Article 3 providing for the election of a President Pro Tempore and for the selection of committees to consider bills and providing for the election of other officers; by amending Section 24 of Article 3 providing for the compensation of Legislators, expenses to be paid incurred by them, and placing restrictions upon the members during their term of office; by amending Section 32 of Article 3 providing that no law shall be passed except by bill, providing for the days on which it

shall be read, and providing for suspension of rule in case of imperative public necessity; by amending Section 40 of Article 3 providing for the character of legislation upon which the membership may act, and fixing the process of legislation; and providing the time in which a bill defeated may be reintroduced; by adding a new Section to the Constitution providing for the correction of bills before final passage; by amending Section 16 of Article 4 providing for the election of a Lieutenant Governor, fixing the term of such office and the qualifications for the same, providing the manner in which he shall be elected, and designating the powers of such office; by amending Section 17 of Article 4 providing the manner in which the office of Governor and Lieutenant Governor shall be filled in case of death, resignation, inability or refusal to serve of those holding such offices and providing the compensation for the Lieutenant Governor while acting as such and for the compensation of the Lieutenant Governor while acting as Governor; by amending Section 18 of Article 4 providing the restrictions and inhibitions imposed on the Lieutenant Governor or President of the Legislature when either of them succeed to the office of Governor, and the restrictions and inhibitions imposed on the Lieutenant Governor while serving as Lieutenant Governor; providing for the submission of the amendment to a vote of the electorate of Texas and fixing the date upon which such vote shall be cast; and making an appropriation for the expense of such election.

**Recess.**

On motion of Senator Stone, the Senate, at 12:05 o'clock p. m., took recess to 2:30 o'clock p. m. today.

**Afternoon Session.**

The Senate met at 2:30 o'clock p. m. and was called to order by the President.

**Bills and Resolution Signed.**

The President signed in the presence of the Senate, after giving due notice thereof, the following bills and resolution:

H. B. No. 16, "An Act to add new

Sections to be known as Sections 6-A, 8-A, 8-B, 8-C, 9-A, 9-B, 9-C, 16-A, 16-B, 16-C, 16-D, 19-A, 19-B, 19-C, 19-D, and 19-E to, and to amend Sections 7, 15 and 17 of S. B. No. 15, Chapter 466, page 1785, of the General and Special Laws passed by the Second Called Session of the Forty-fourth Legislature, of the State of Texas, which Act relates to the examination of applicants for operators or chauffeur's license; providing for certain exemptions; providing for the issuance of restricted license; providing for notice of change of address or name; providing for records to be kept by the Department; providing authority of the Department to cancel license, suspend privileges of non-residents and report convictions and to suspend resident's license upon conviction in another State; providing for authority of Department to suspend or revoke license without preliminary hearing and providing for notice to licensee and for hearing upon request; providing for the period of suspension or revocation and the surrender and return of license and badge; prohibiting the operation of motor vehicle under foreign license during suspension or revocation in this State; prohibiting the driving of motor vehicle while license or privilege is cancelled, suspended, or revoked; and making it unlawful to commit certain other act; providing for the State Highway Patrol to act as agent for the Department and conduct examination of applicants; providing for Court to forward license to Department and report convictions and defining conviction; providing for the right of appeal to Courts when license denied or canceled, suspended or revoked by Department except where such cancellation or revocation is mandatory; repealing all laws or parts of laws in conflict herewith; providing a saving clause, and declaring an emergency."

H. B. No. 105, "An Act requiring owners of real estate or other taxable property, or their agents or representatives in rendering same for ad valorem taxation to give the post-office address of the owner or owners of said property at the time of such rendition; providing a penalty for failure to render such property in the manner herein prescribed, and declaring an emergency."

H. B. No. 132, "An Act amending Section 3 of Article 1108, Chapter 10, Title 28, Revised Civil Statutes of Texas, 1925, as amended by Chapter 207, page 496 of the General and Special Laws passed by the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

H. B. No. 713, "An Act to provide liens for services rendered by persons, firms, and corporations with whom articles of wearing apparel and garments have been placed to be repaired, altered, dyed, cleaned or pressed, or laundered and authorizing the sale thereof to pay charges for such services, and for the disposition of proceeds of such sales, and declaring an emergency."

H. B. No. 727, "An Act to amend Article 1055 of the Code of Criminal Procedure of Texas relating to the fees paid constables, and declaring an emergency."

H. B. No. 982, "An Act amending Section 1 of Chapter 129, page 356, Acts of the Regular Session of the Forty-fourth Legislature; repealing all laws or parts of laws, in conflict herewith, and declaring an emergency."

H. B. No. 1002, "An Act to fix salaries and compensation of county commissioners in counties with a population of not less than 77,600 inhabitants nor more than 88,000 inhabitants according to the last Federal Census as same now exists or may hereafter exist, and/or having an assessed valuation of not less than \$40,000,001.00 nor more than \$50,000,000.00, according to the last approved tax rolls, as same now exists or may hereafter exist, and providing for the manner of payment of the salaries and the funds from which said salaries shall be paid; and repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 1049, "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925, prescribing the time of meeting of the County Board of School Trustees; (a) in counties containing a population of not less than forty-eight thousand, five hundred and sixty (48,560) and not more than forty-eight thousand six hundred and sixty-five (48,665) population, (b) in counties containing a population of not less than thirty thousand, and twenty (30,020) and



not more than thirty thousand, one hundred and twenty-five (30,125) population, (c) in counties containing a population of not less than ten thousand, three hundred and seventy (10,370) and not more than ten thousand, four hundred and seventy-five (10,475) population, according to the last preceding Federal Census; providing for their compensation; providing the fund from which same shall be paid; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply where in conflict therewith, and declaring an emergency."

H. B. No. 1081, "An Act making it unlawful to trap, snare, shoot, catch or kill any wild fox in Bell County for a period of two (2) years, providing a penalty, and declaring an emergency."

H. B. No. 1100, "An Act creating a special road Law for Scurry County, Texas, providing that said county fund or refund indebtedness outstanding against its road and bridge fund as of March 31, 1937, including bonds, interest-bearing time warrants and scrip warrants by issuance of funding or refunding bonds or warrants, either or both, setting forth the method of issuing same; etc., and declaring an emergency."

H. B. No. 1103, "An Act amending Section 5 of Chapter 41, Special Laws of the Forty-fourth Legislature, Regular Session, same being H. B. No. 641, by providing that there shall be a closed season on fishing in the waters of Medina Lake in Bandera County, Texas, during the months of February, March and April of each year, and declaring an emergency."

H. C. R. No. 82, Granting Miss Loulie Gurley and others permission to sue the State of Texas and the State Highway Department.

#### Reports of Standing Committees.

(By Unanimous Consent.)

Reports on S. R. No. 23 and on S. J. R. No. 17 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

#### House Bill No. 36 on Passage to Third Reading.

The Senate resumed consideration of pending business, same being H.

B. No. 36, further regulating the practice of dentistry, on its passage to third reading; with amendment by Senator Head and amendment by Senator Burns to the amendment pending.

Senator Woodruff moved the previous question on the amendment to the amendment and the amendment and on all amendments now ready to be submitted (which shall be transmitted immediately to the Secretary's desk) and on the passage of the bill to third reading, and the motion was duly seconded.

Yeas and nays were demanded, and the Senate refused to order the main question at this time by the following vote:

Yeas—11.

Beck	Shivers
Holbrook	Small
Moore	Van Zandt
Newton	Weinert
Pace	Woodruff
Roberts	

Nays—16.

Aikin	Oneal
Brownlee	Rawlings
Burns	Redditt
Collie	Spears
Cotten	Stone
Davis	Sulak
Hill	Westerfeld
Isbell	Winfield

Present—Not Voting.

Head Neal

Absent.

Lemens Nelson

(Senator Redditt in the Chair.)

Senator Van Zandt moved the previous question on the pending amendments and amendments which have been transmitted to the Secretary's desk and on the passage of the bill to third reading, and the motion was duly seconded.

Yeas and nays were demanded, and the main question was ordered by the following vote:

Yeas—15.

Beck	Moore
Head	Neal
Holbrook	Nelson

Newton  
Oneal  
Pace  
Roberts  
Shivers

Small  
Van Zandt  
Weinert  
Woodruff

Nays—14.

Aikin  
Brownlee  
Burns.  
Collie  
Cotten  
Davis  
Isbell

Rawlings  
Redditt  
Spears  
Stone  
Sulak  
Westerfeld  
Winfield

Absent.

Hill

Lemens

Question first recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment to the amendment was lost by the following vote:

Yeas—12.

Burns  
Collie  
Cotten  
Davis  
Hill  
Rawlings

Shivers  
Spears  
Sulak  
Weinert  
Winfield  
Woodruff

Nays—18.

Aikin  
Beck  
Brownlee  
Head  
Holbrook  
Isbell  
Moore  
Neal  
Nelson

Newton  
Oneal  
Pace  
Redditt  
Roberts  
Small  
Stone  
Van Zandt  
Westerfeld

Absent.

Lemens

Question next recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—22.

Aikin  
Beck  
Brownlee  
Head  
Hill  
Holbrook  
Isbell  
Moore  
Nelson

Newton  
Oneal  
Pace  
Rawlings  
Redditt  
Roberts  
Small  
Stone  
Van Zandt

Weinert  
Westerfeld

Winfield  
Woodruff

Nays—8.

Burns  
Collie  
Cotten  
Davis

Neal  
Shivers  
Spears  
Sulak

Absent.

Lemens

Question next recurred on the following amendment by Senator Sulak:

Amend H. B. No. 36 by striking out Section 752A and inserting in lieu thereof the following:

Article 752A. It shall be unlawful for any person, firm or corporation to engage in or be guilty of any unprofessional conduct in the practice of dentistry, directly or indirectly, which shall mean and include:

(a) Advertising prices for professional services in the practice of dentistry;

(b) Advertising any free dental work or free examination;

(c) Advertising to guarantee any dental services;

(d) Advertising to perform any dental operation painlessly;

(e) Advertising by any means the using of any secret anesthetic or drug under any fictitious, fancy or unscientific name unapproved by the dental profession or manufacturers of such materials;

(f) Forging, altering, or changing any diploma, license, registration certificate, transcript or any other legal document pertaining to the practice of dentistry, being a party thereto, or beneficiary therein, or making any false statement about or in securing such document, or being guilty of misusing the same.

The amendment was lost.

Question next recurred on the following amendment by Senator Sulak:

Amend H. B. No. 36 by adding after the word "them" in line 32, the following:

"It shall be unlawful for any person, firm, copartnership, corporation or association of persons to have printed or permit to have printed the name of any person, firm, co-partnership, corporation or association of

persons engaged in the practice of dentistry in connection with the words "dentist" or "dentists" in any form, in newspapers, handbills, circulars or any manner except on the door of the office or place of business of such dentist or dentists."

The amendment was lost.

Question next recurred on the following amendment by Senators Redditt, Shivers and Burns:

Amend H. B. No. 36 by striking out the emergency clause and placing in lieu thereof the following: "This Act shall become effective January 1, 1937."

REDDITT,  
SHIVERS,  
BURNS.

The Presiding Officer asked unanimous consent of the Senate that the amendment be amended to read as follows:

Amend H. B. No. 36 by inserting before the emergency clause the following:

"Sec. \_\_\_\_ This Act shall become effective January 1, 1938."

REDDITT,  
SHIVERS,  
BURNS.

There was no objection offered, and it was so ordered.

Senator Davis raised the point of order that an amendment may not be changed by unanimous consent after the main question has been ordered.

The Presiding Officer overruled the point of order.

The amendment as amended was adopted.

Question next recurred on the following amendment by Senator Burns:

Amend H. B. No. 36 by adding a new Section to read as follows:

Section \_\_\_\_ This Act shall not be intended to prohibit any duly authorized, licensed and registered dentist from maintaining one additional office in any town or city other than the town of his residence.

BURNS,  
REDDITT.

The amendment was adopted.

Question next recurred on the following amendment by Senator Spears:

Provided further that no "patent or proprietary medicine" or "curative or preventative treatment" shall be advertised in any newspaper of this State, or by handbill, motion picture or stereopticon slide until same has been approved by the State Board of Dental Examiners, nor shall any manufacturer of dental supplies advertise same as to its superiority except to list the name of the product, telephone number and who made by, and the address of said company.

Senator Moore raised the point or order that the amendment is not germane to the bill.

The Presiding Officer sustained the point of order and also put the question "Shall the amendment be adopted?" which was determined by the Senate in the negative.

Question next recurred on the following amendment by Senator Shivers:

Amend H. B. No. 36, line 32, page 1 (of S. B. No. 91 as printed) by adding after word "them" the following:

"Provided, however, that any dentist practicing under his own license may be employed by any person, firm or partnership, practicing dentistry under licenses issued to them."

The amendment was adopted.

The bill as amended then was passed to third reading.

#### House Bill No. 36 on Third Reading.

Senator Head moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 36 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Aikin	Moore
Beck	Neal
Brownlee	Nelson
Burns	Newton
Cotten	Oneal
Davis	Pace
Head	Rawlings
Hill	Redditt
Holbrook	Roberts
Isbell	Shivers

Small  
Stone  
Van Zandt  
Weinert

Westerfeld  
Winfield  
Woodruff

Nays—3.

Collie  
Spears

Sulak

Absent.

Lemens

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time.

On motion of Senator Van Zandt, it was ordered that the caption be amended to conform to the body of the bill by the following vote:

Yeas—27.

Aikin  
Beck  
Brownlee  
Burns  
Cotten  
Davis  
Head  
Hill  
Holbrook  
Isbell  
Moore  
Neal  
Nelson  
Newton

Oneal  
Pace  
Rawlings  
Redditt  
Roberts  
Shivers  
Small  
Stone  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

Nays—3.

Collie  
Spears

Sulak

Absent.

Lemens

The bill was passed by the following vote:

Yeas—26.

Aikin  
Beck  
Brownlee  
Cotten  
Davis  
Head  
Hill  
Holbrook  
Isbell  
Moore  
Neal  
Nelson  
Newton

Oneal  
Pace  
Rawlings  
Redditt  
Roberts  
Shivers  
Small  
Stone  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

Nays—4.

Burns  
Collie

Spears  
Sulak

Absent.

Lemens

(President in the Chair.)

House Bill No. 376 on Second Reading.

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 376, A bill to be entitled "An Act amending Rule 47a of Article 4477, of Title 71, of the Revised Civil Statutes of the State of Texas, 1925, by repealing sub-paragraph six and twenty-five thereof, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Moore and by unanimous consent, Senate Rule No. 31a was suspended, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 376 on Third Reading.

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 376 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin  
Beck  
Brownlee  
Burns  
Collie  
Cotten  
Davis  
Head  
Hill  
Holbrook  
Isbell  
Moore  
Neal  
Nelson  
Newton

Oneal  
Pace  
Rawlings  
Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
Sulak  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

Lemens Absent.

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Lemens Absent.

#### Senate Bill No. 211 on Second Reading.

The President laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 211, A bill to be entitled "An Act to provide for the creation of the office of the Commissioner of Education of the State of Texas, fixing the qualification of the Commissioner of Education, his salary, and his term of office, abolishing the office of State Superintendent of Public Instruction of the State of Texas, transferring all the duties imposed by law upon the State Superintendent of the State of Texas at the time this Act goes into effect to the Commissioner of Education, providing that said Commissioner of Education shall be appointed by a majority vote of the State Board of Education, providing that said Act be effective from and after the second Monday in December, A. D. 1938, and repealing all laws and parts of laws in conflict herewith."

The bill was read second time.

(Senator Rawlings in the Chair.)

Senator Woodruff offered the following amendment to the bill:

Amend S. B. No. 211 by striking out in Section 3 the words "on the second Monday in December, 1938," and insert in lieu thereof the following: "on the 1st day of January, 1939"; and strike out Section 4.

Question—Shall the amendment be adopted?

#### Adjournment.

Senator Shivers moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Woodruff moved that the Senate recess to 7:30 o'clock p. m. today.

The motion to adjourn prevailed; and the Senate, accordingly, at 5:00 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### APPENDIX.

##### Reports of Standing Committees.

##### Committee Room.

Austin, Texas, May 17, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 517, A bill to be entitled "An Act making it lawful to kill golden eagles in the State of Texas at any time, repealing laws in so far as they conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Chairman.

##### Committee Room.

Austin, Texas, May 17, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1046, A bill to be entitled "An Act declaring it unlawful to kill, take or trap any fox in Hood County, Texas, except during the months of December and January of each year; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, May 17, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1105, A bill to be entitled "An Act amending Chapter 66, Forty-second Legislature, Regular Session, Special Laws, Section 1, exempting Jack County from the provisions of such Act; providing for the regulation and protection of catching and taking of fish in Jack County; prohibiting the sale or purchase of any fish caught in any waters in Jack County; providing for a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, May 17, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1124, A bill to be entitled "An Act repealing House Bill No. 185, Acts of the Forty-third Legislature, relating to hunting, taking or killing of squirrels in the Counties of San Augustine and Sabine of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, May 17, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1152, A bill to be entitled "An Act declaring it unlawful to use seines or nets except those of a certain dimension for taking certain fish from the waters of Coryell County, Texas, excepting minnow seines from the provisions of this Act; providing size limits for fish taken in said county; prohibiting the sale of minnows and declaring it unlawful to

transport more than one hundred and twenty-five (125) minnows at any one time beyond the borders of Coryell, Johnson, Bosque, and Somervell Counties; prescribing a penalty for the violation of this Act; making the Act cumulative of other laws; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, May 17, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1159, A bill to be entitled "An Act prohibiting the use of seines or nets in Clay County during March and April; permitting the use of certain seines or nets at any time; repealing all laws in conflict with this Act; providing a penalty for violation of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, May 17, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 512, A bill to be entitled "An Act providing that it shall be unlawful to hunt or kill prairie chickens in this State for a period of three years from and after the passage of this Act; providing a penalty for violation of this Act; repealing all laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul President of the Senate.

Sir: We, your Committee on Coun-

ties and County Boundaries, to whom was referred

H. B. No. 1092, A bill to be entitled "An Act amending Articles 1961 and 1962, Revised Civil Statutes of the State of Texas as enacted in 1925, so as to provide for the regular term of the county court for probate business as opening on each Monday of each week during the year and repealing the authority of the commissioners' court to establish terms of the probate court; repealing Article 1963, Revised Civil Statutes of Texas as enacted in 1925; and providing for the validation of all judgments rendered at other than regular terms of the probate court; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, May 17, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We your Committee on Public Buildings and Grounds, to whom was referred

H. C. R. No. 106, A resolution urging The State Parks Board to permit the use of State parks to the Boy Scouts and Girl Scouts of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEWTON, Chairman.

Committee Room,

Austin, Texas, May 17, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 518, A bill to be entitled "An Act granting unto the municipal authorities of the City of Austin, Texas, the right to establish, erect, operate and maintain a public municipal auditorium and fire station upon the tract of land bounded on the north by Fifth Street on the south by Fourth Street, on the east by Guadalupe Street and on the west by San Antonio Street in the City of Austin; and changing the designation upon the map of the City of Austin

of said tract from Public Square to Public Municipal Auditorium and Fire Station Square so as to grant to the City of Austin for 99 years the said land for a municipal auditorium and fire station and retaining title in the State of Texas; and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HEAD, Chairman.

Committee Room,

Austin, Texas, May 17, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 17, Proposing an amendment to Article III, Section 5 and Section 24, of the Constitution of Texas, providing for Sessions of the Legislature, and fixing the salaries of members thereof; providing for submission to the people at the general election, 1938; providing for the issuance by the Governor of a proclamation for such election; and appropriating the funds necessary to pay for such election."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute hereto attached do pass in lieu thereof and be printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, May 15, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 124 carefully examined and compared and find same correctly engrossed.

ROBERTS Chairman.

Committee Room,

Austin, Texas, May 15, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 122 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

**Committee Room.**

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of  
of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. Nos. 389, 516, and 507 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

**Committee Room.**

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of  
of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 67 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

**Committee Room.**

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of  
of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 64 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

**Committee Room.**

Austin, Texas, May 17, 1937.

Hon. Walter F. Woodul, President of  
of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. R. No. 23,

Have had said resolution under consideration, and I am instructed to report same back to the Senate, with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

**Committee Room.**

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of  
of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. Nos. 402 and 491 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

**SEVENTY-NINTH DAY.**

(Tuesday, May 18, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

The following Senators were absent and excused:

Small	Sulak
-------	-------

A quorum was announced present. The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

**Leaves of Absence Granted.**

Senator Sulak was granted leave absence for today, on account of important business, on motion of Senator Collie.

Senator Small was granted leave of absence for today, on account of important business, on motion of Senator Weinert.

**Reports of Standing Committees.**

Reports on S. J. R. No. 18, H. J. R. No. 48, and House Bills Nos. 686 and 1109 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

**Senate Resolution No. 92.**

Senator Moore offered the following resolution:

Be it Resolved by the Senate of Texas, That the Sergeant-at-Arms be instructed to clear the floor of the Senate each morning, 30 minutes before the Senate convenes, of all persons not entitled to the privileges of the floor while the Senate is in session.

The resolution was read.

On motion of Senator Moore and by unanimous consent the regular order of business was suspended, to